

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A71-00029
Date Received: 1/10/1990
Receipt No: C013908
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRED HUMPHREYS 208-375-6940
Address: 1919 S. PHILLIPI
BOISE, ID 83705

AND
Name: ERNEST DAY 208-375-6940
Address: 1919 S. PHILLIPI
BOISE, ID 83705

2. Date of Priority: MAR 22, 1910

3. Source: FISHER CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	14E	3	SW	SW	NW		CUSTER

5. Description of diverting works:
WOOD HEADGATE - 3.5' WIDE, 8' DEEP DIVERTED BY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.250		

7. Total Quantity Appropriated is:
2.250 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A71-00029

Page 1

Date: 01/10/90

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MAR 17 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	14E	33	SE		NW		IRR	24.0
			NE		SW		IRR	31.0
			NW		SW		IRR	20.0
			SE		SW		IRR	20.0
			SW		SE		IRR	18.0
							Section Acres	113.0
							Total Acres	113.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
71-00028 & 71-2085.

14. Remarks:
WATER SUPPLIED BY FISHER CREEK IS STRICTLY SPRING RUN-OFF AND IS
NOT SUFFICIENT FOR LATE SUMMER AND FALL IRRIGATION. SOILS ARE
SAND GRAVEL AND VERY PERMIABLE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

DAN J. CAVANAGH

Decree Plaintiff

vs

WM. MERRITT, ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Humphreys/Day

CL

IDENT. NO.

471-00029

DATE RECEIVED

1-10-90

CK #

AMOUNT \$

50

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: [Signature]

Date: 1-10-90

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by: [Signature]

Claim data entered by: [Signature]

Sent to claimant by: [Signature]

Date:

1-18-90

Checked by:

Date:

Comments:

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MAR 17 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 71-00029Date Received 1-10-90Receipt Number CO/3908
SR

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) FRED HUMPHREY, ERNEST DARY Phone (208) 375-6940
Mailing Address 1919 S. DHICLIPI, BOISE, ID Zip 83705
- Date of Priority (Only one (1) per claim) 03/22/1910
- Source of water supply (a) FISHER CREEK
which is tributary to (b) SALMON RIVER
- a. Location of existing point of diversion is: Township 8N Range 14E Section 3,
SW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CUSTER.
Additional points of diversion if any: N/A
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

WOOD HEADGATE - 3.5' WIDE, .8' DEEP DIVERTED BYDITCH TO POINT OF USE.

COPY

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MAR 17 1993

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/15 amount 2.25 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 225 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9N	14E	33								24	31	20		20			18		113

Total number of acres irrigated 113

11. In which county (ies) are lands listed above as place of use located? CUSTER

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
71-00028 AND 71-2085 or None ()

14. Remarks:
WATER SUPPLIED BY FISHER CREEK IS STRICTLY SPRING
RUN-OFF AND IS NOT SUFFICIENT FOR LATE SUMMER AND FALL
IRRIGATION, SOILS ARE SAND GRAVEL AND VERY PERMIABLE

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Last Name HUMPHREYS/DAY Ident No. _____

Copies: 1 - State, 1 - Claimant
MAR 17 1993

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Scale: 2 inches equals 1 mile



Copies: ~~White State~~ Yellow Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree X
If applicable provide IDWR Water Right Number 71-00029
Court 6th JUDICIAL DISTRICT Case Number 1363 Decree Date _____
Plaintiff vs Defendant DAN CAUDMAN vs MARGARET SAW

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) ✓ Fred C. Hughes

Date _____

Date 29 Dec 1989

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 9th day of JANUARY 19 90

SEAL

Notary Public Margie K. Emery

Residing at BOISE, IDAHO

My Commission Expires 2-22-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

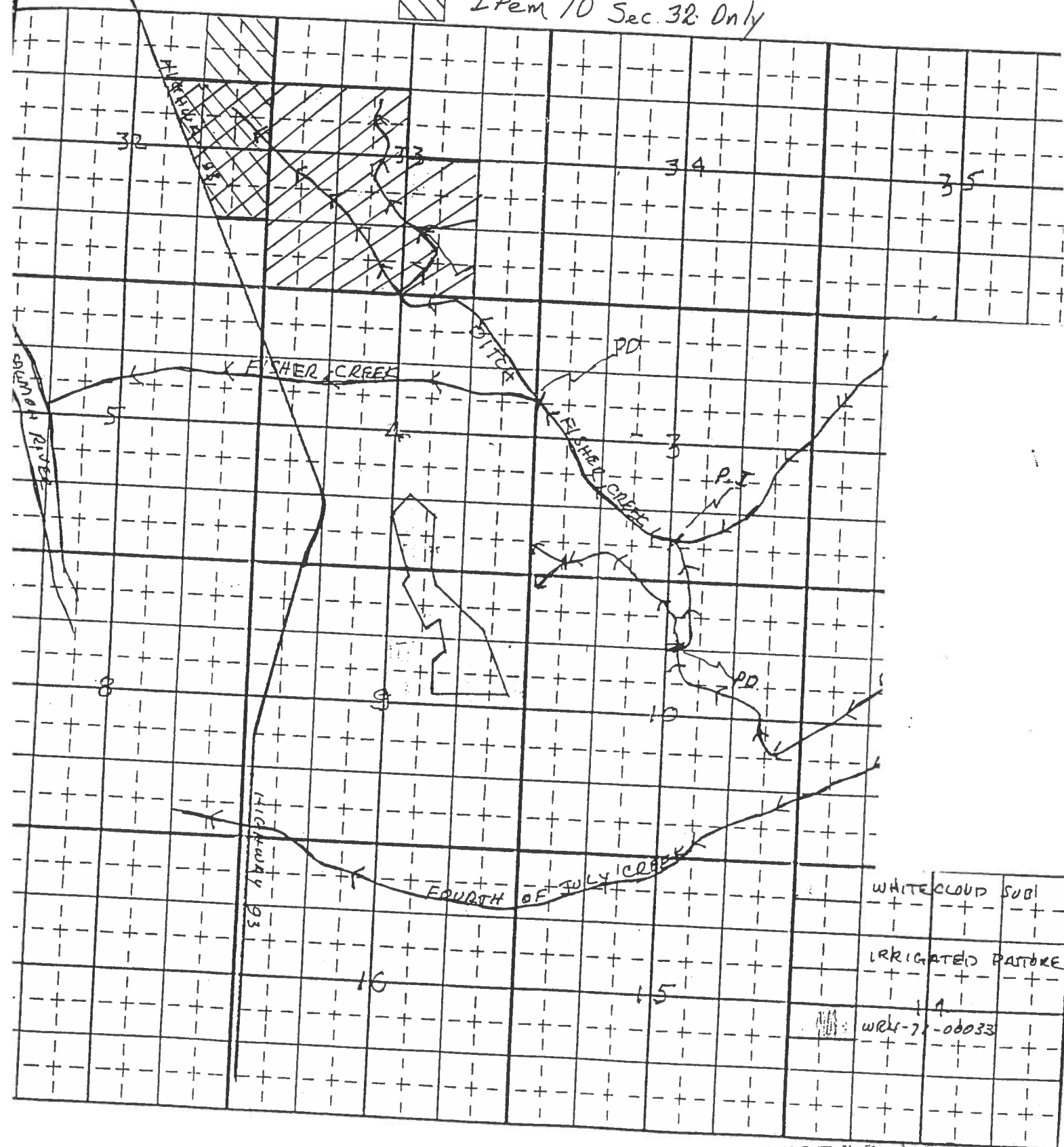
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MAR 17 1993
County-Where-Filed Below-Claimant

of diversion, place of use, section number, township, and range number.

Map

Item 10 Sec. 32. Only



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MAR 17 1993

st Name HUMPHREYS Ident No. _____

Copies: White, Green, Yellow, Blue

1/09/91

CA13908

\$ 917

#

\$ Humphreys/Day

Acres

71-00028

\$ 260

210 ~~Ac~~

71-00029

50

113 Same as 260

71-00035

107

150

71-00033B

50

45

71-00034C

125

75

71-00036B

50

120

71-02085

50

57

~~same as 260~~

71-10191

\$ 25 -

Ranch 5.32133 267A

Whitecloud 75

71-10192

25 -

Total Ac. \$ 342

Flat-Irr. \$ 400

D&S : \$ 175

\$ 917

71-10193

25 -

4

25 -

5

25 -

6

25 -

71-07000

25 -

71-10197

50

20

\$ 917

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LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	14E	4					000340										15		15
		9													5'20		15'20		60
9N	14E	33					00035												150
							31'20	37'24			18'20								
9N	14E	33					00036B												
							11			31'20			40				18		120
9N	14E	32				10	00028												10
		33								37'24	31'40	10'40					18		200
9N	14E	33					00029												
										24'31'20			20				18		113
9N	14E	32				10	00033B												10
		33											20'10'5						35
9N	14E	30	21			7	02085B								11				51

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MAR 17 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 11, 1991

Mark W. Richey
207 W. Washington
Boise, ID 83702-5992

RE: Snake River Basin Adjudication (SRBA)
Custer County - #A71-00028, -00029, -00033B
-00034C, -00035, -00036B, -02085B, -07000,
and -10191 through -10197
Humphrey-Day Claims

Dear Mark,

With an embarrassed apology for the time delay, I have enclosed the copies of the claims submitted by your clients for the properties near the Salmon River. The claims will be held until the investigation of claims in the sub-basin commences.

Using one of the maps submitted with the claims, I have attached a revised map depicting the difference between the claim map and the legal descriptions in Item #10 of the claims. You will see in Section 32, the NE1/4 NE1/4 is described in Item #10, while the NW1/4 SE1/4 is excluded. On the map, the cross-hatchings do not reflect approximate acreage within the tract; merely the tract is covered. Mark, I've pointed this out simply to inform you of the matter. The claims will be investigated and the problem resolved at that time.

Thank you for your patience and assistance in the filing of these claims. If I can be of further help to you in this or other matters, please feel free to contact me.

Regards,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state:southern

Enclosures:

Yellow Copies of Above Claims
Copy of Revised Map

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MAR 17 1993

08/18/2000

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 71-29

NAME AND ADDRESS: ERNEST DAY
FRED HUMPHREYS
1919 S PHILLIPI
BOISE, ID 83705

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.25 CFS

PRIORITY DATE: 03/22/1910

POINT OF DIVERSION: T08N R14E S3 LOT 0 SWSWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05-01 10-31	2.25 CFS

PLACE OF USE:

<u>IRRIGATION Within CUSTER County</u>					
T09N R14E S32	SENE	21.2	T09N R14E S32	NESE	4
T09N R14E S33	SWNW	39	T09N R14E S33	SENE	20.9
T09N R14E S33	NWSW	31.2	T09N R14E S33	NESW	30.6
T09N R14E S33	NWSE	1.2	T09N R14E S33	SWSW	0.9
T09N R14E S33	SESW	34.8	T09N R14E S33	SWSE	22.2
206 ACRES TOTAL					

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 234.7 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-
10197, 71-02085B & 71-10764

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B, 71-
00037B, 71-00028, 71-00029 & 71-10763.

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

RECEIVED

AUG 30 1999

Department of Water Resources

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

I, W. MICHAEL HUMPHREYS, individually and as trustee of THE HUMPHREYS TRUST, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

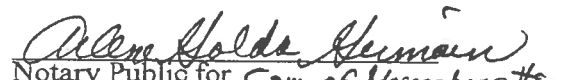
IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26th day of April, 1999.


W. MICHAEL HUMPHREYS

STATE OF Massachusetts)
) ss.
County of Essex)

On this 26th day of April, 1999, before me, the undersigned notary public in and for said state, personally appeared W. MICHAEL HUMPHREYS, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Com. of Massachusetts
Residing at: Swampscott, MA
Commission expires 4/6/01

SARA C. DENNISTON
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900
Fax: (208) 327-5400

In Re SRBA Claimant

Case No. 39576

AFFIDAVIT OF DAVID R.
TUTHILL, JR. SUBMITTING
SUPPLEMENTAL DIRECTOR'S
REPORT

STATE OF IDAHO

)

) SS.

County of Ada

)

3. My educational background includes a Bachelor of Science degree in agricultural engineering from Colorado State University at Fort Collins, Colorado, in 1974, and a Master of Science degree in civil engineering from the University of Colorado at Boulder, Colorado, in 1978.

1975. I have also attended and presented papers at numerous seminars on water rights investigation and administration.

4. I have been registered as a professional engineer in Idaho since 1979.

5. I have worked for IDWR for 22 years in the following positions respectively: Adjudication Section Supervisor; Payette Adjudication Supervisor; Water Allocation Section Supervisor; Regional Office Manager of IDWR's Western Regional Office; and currently as Adjudication Bureau Chiefd. IN these positions I have investigated hundreds of water rights, including reviewing their descriptions in decrees, licenses and permits. I have supervised the distribution of water to water right holders and resolved disputes between competing water users. I have extensive first-hand knowledge of how water rights for a variety of uses interact with other water rights from the same source. I have extensive first-hand experience with the difficulty of resolving disputes between water right holders when the water use under a right is not adequately described.

6. I am familiar with the factual and legal basis for IDWR's policy regarding its recommendation of quantity, irrigated acreage, and remarks relating to specific elements of water rights.

7. I have either personal knowledge of the facts I testify to in this Affidavit, or they are available to me from IDWR records and personnel, and are the type of facts or data that are regularly and customarily considered by experts in the field of water use and water right investigation and administration to be a reasonable basis to form an opinion about such water use or water right.

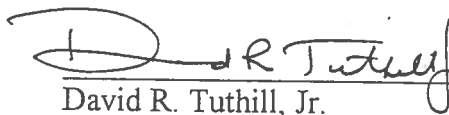
8. I adopt as my testimony and incorporate in this Affidavit the Legal Principles and the Conclusions portions of the Supplemental Director's Report Regarding Claim to Water Right

Nos. 71-00028, 71-00029, 71-10197, and 71-10763 dated October 6, 1999, attached to this Affidavit as Exhibit 1.

9. Attachments B, C, and D to Exhibit 1 are printed color copies representing shape files in IDWR's Geographical Information System database. These printed copies are the type of data regularly and customarily considered by experts in the field of water use and water right investigation and administration to be a reasonable basis to assist in forming an opinion about such water use or water right.

10. In Exhibit 1, I set forth my factual understanding of the law which underlies my opinion on behalf of IDWR regarding its description of specific elements of water right numbers 71-00028, 71-00029, and 71-10197. To the extent, if any, these statements are inaccurate as a matter of fact, the opinions expressed in my report may change.

Dated this 6th day of October, 1999



David R. Tuthill, Jr.

SUBSCRIBED AND SWORN before me this 6th day of October, 1999



Notary Public for the State of Idaho
Residing at: Boise
My commission expires: 2/25/2003

EXHIBIT 1

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING CLAIM
TO WATER RIGHT NO. 71-00028, 71-00029, 71-10197, and 71-10763**

In Re SRBA

Twin Falls County Civil Case No. 39576
Subcase Nos. 71-00028, 71-00029, 71-10197, and 71-10763

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Adjudication Bureau Chief

October 6, 1999

The Director of the Idaho Department of Water Resources (IDWR) submits this Supplemental Director's Report Regarding Claims to Water Right Nos. 71-00028, 71-00029, 71-10197, and 71-10763 in accordance with Idaho Code § 42-1412(4) and Administrative Order 1. This supplemental director's report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

Allen Merritt, Regional Manger, IDWR Southern Region investigated claim number 71-00028, 71-00029, 71-10197, and 71-10763, prepared the recommendations for this claim and helped to prepare this Supplemental Report.

Doug Jones, Regional Supervisor, IDWR Southern Region helped to prepare this Supplemental Report.

LEGAL PRINCIPLES UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBERS 71-00028, 71-00029, 71-10197, and 71-10763

IDWR's recommendations of the water rights are based upon its application of the following legal principles. These principles are not described for purposes of legal argument, but simply for the purpose of describing the basis of IDWR's recommendations for these water rights. If IDWR's understanding of these principles is erroneous or inaccurate, the conclusions reached in this report may change.

1. Beneficial use is the basis, measure and extent of any water right.
2. The description of the beneficial use is the description of the water right.
3. Because beneficial use is the basis, measure and extent of any water right, a water right holder is entitled to irrigate only those lands on which water has been historically put to beneficial use pursuant to that water right.
4. Previous decrees are evidence of the elements of a water right, but they are not conclusive as to the elements of a water right.
5. If a previous decree does not describe all of the elements of a water right required in section 42-1409, Idaho Code, the director shall include in the Director's Report recommendations for those elements not defined by the prior decrees based upon the extent of beneficial use of the water right as of the date of the commencement of an adjudication.

FACTUAL FINDINGS UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBERS 71-00028, 71-00029, 71-10197, and 71-10763

I. Basis of Claim

- a. Water right number 71-00028 is based on the Cavanagh v. Merritt decree. This water right was decreed to Marjorie Shaw for 4.20 cfs with a priority date of 06/09/1908

for use on an unspecified number of acres on lands within Sections 32 and 33, T09N, R14E. The Cavanagh v. Merritt decree is attached as Attachment A.

b. Water right number 71-00029 is based on the Cavanagh v. Merritt decree. This water right was decreed to Marjorie Shaw for 2.25 cfs with a priority date of 03/22/1910 for use on an unspecified number of acres on lands within Sections 32 and 33, T09N, R14E.

c. Water right number 71-10197 is a beneficial use right.

II. Investigation of Water Right No. 71-00028 and 71-00029

This report addresses those elements of water rights number 71-00028 and 71-00029 that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage).

A. Place of Use (Irrigated Acreage)

1. IDWR recommended a total of 200.2 irrigated acres for water rights 71-00028 and 71-00029 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. IDWR recommended this acreage based on the following:

a. On 7/27/1993 IDWR Regional Manager Allen Merritt conducted a field examination on the claimed place of use, accompanied by Mr. Humphreys and his irrigator, and observed an irrigated parcel within the area claimed under these water rights. The extent of land irrigated was supported by the observations of the delivery ditches, the character and lay of the land and vegetation by Mr. Merritt during the field exam. The land was irrigated from the feeder ditch from Fisher Creek that flows in a northwest direction along the base of the hillside. This ditch defines the eastern boundary of the irrigated land. After the feeder ditch enters the claimants' property a lateral splits off and flows westward along the access road and then angles northwest along a ridge. Lands are watered on both sides of this ditch after it turns and follows the ridge. At a point along the feeder ditch a diffuse stream is intercepted for use under water right 71-10197. On the lower end, i.e. northern end, of the property a ditch from the Salmon River carrying water rights 71-02085B and 71-10764, crosses the land in a northeastward direction. Fisher Creek waters can flow into the ditch from the Salmon River. Irrigation is made from this ditch to the north. The irrigated lands are pastures. Some of the land was irrigated well, though some was mixed with small or dispersed sagebrush indicating poorer irrigation or lower pasture maintenance. Lands with high-growth of brush with little grass were not included as irrigated.

Mr. Merritt also observed that four sources supply water to the property. These sources of water include the Salmon River, Fisher Creek, Fourth of July Creek which is injected into Fisher Creek then rediverted from Fisher Creek and an unnamed diffuse stream situated on the subject property. The diffuse stream is captured in a ditch heading from Fisher Creek.

During the field exam, Mr. Merritt referred to a copy of an aerial photo obtained from the US Forest Service (date of photo unknown). Mr. Humphreys and his irrigator confirmed the areas irrigated and the practices employed on the land with reference to the copy of the aerial photo. During the field exam, Mr. Merritt also referred to NAPP photograph 441-122 dated 8/22/1988, noting that the red and light colored areas on the photo are the irrigated lands.

d) In analysis of the number of acres irrigated, GIS technology was utilized. Mr. Merritt created four shapes describing the areas of land irrigated by the various sources of water. The shapes were created by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

Shape 1 represents the lands irrigated only from Salmon River. This shape contains approximately 28.7 acres.

Shape 2 represents the lands irrigated from both the Salmon River and water from Fisher Creek/Fourth of July Creek. This shape contains approximately 20.1 acres.

Shape 3 represents the lands irrigated from both Fisher Creek/Fourth of July Creek and from the unnamed stream which diffusely enters the delivery ditch from Fisher Creek. This shape contains approximately 75.8 acres.

Shape 4 represents the lands irrigated only from Fisher Creek/Fourth of July Creek. This shape contains approximately 104.5 acres.

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. Recommendations for 71-00028 and 71-00029 are based on shapes 2, 3 and 4 which (after rounding) total 200.2 acres. IDWR therefore recommends 200.2 acres as irrigated under water right numbers 71-00028 and 71-00029 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

2. Attachment B, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-00028 and 71-00029.

III. Investigation of Water Right No. 71-10197

This report addresses those elements of water right number 71-10197 that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage).

A. Place of Use (Irrigated Acreage)

1. IDWR recommended a total of 75.8 irrigated acres limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029 71-10763, 71-02085B, 71-10197, and 71-10764. IDWR recommended this acreage based on the following:

a) On 7/27/1993 IDWR Regional Manager Allen Merritt conducted a field examination on the claimed place of use and observed an irrigated parcel within the area claimed under these water rights. See the above discussion of water rights 71-00028 and 71-00029 for an explanation of Mr. Merritt's observations during the field examination.

b) In analysis of the number of acres irrigated, GIS technology was utilized. Mr. Merritt created a GIS shape file by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

Shape 1 represents the lands irrigated only from Salmon River. This shape contains approximately 28.7 acres.

Shape 2 represents the lands irrigated from both the Salmon River and water from Fisher Creek/Fourth of July Creek. This shape contains approximately 20.1 acres.

Shape 3 represents the lands irrigated from both Fisher Creek/Fourth of July Creek and from the unnamed stream which diffusely enters the delivery ditch from Fisher Creek. This shape contains approximately 75.8 acres.

Shape 4 represents the lands irrigated only from Fisher Creek/Fourth of July Creek. This shape contains approximately 104.5 acres.

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. The recommendation for 71-10197 was based on shape 3 which totals 75.8 acres. IDWR therefore recommends 75.8 acres as irrigated under water right number 71-10197 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

2. Attachment C, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-10197.

IV. Investigation of Water Right Number 71-10763

This report addresses those elements of water right numbers 71-10763 that are in dispute. IDWR understands these elements to be Place of Use (irrigated acreage), the point of diversion, and the priority date.

A. Place of Use

1. Water right number 71-10763 is the beneficial use right which was recommended in lieu of Mr. Humphreys's claim to the decreed rights claimed in full under 71-00033B, 71-00034C, 71-00035C, and 71-00036B by Humphreys and Day. A supplemental director's report for the decreed rights has been filed separately.

2. IDWR recommended a total of 200.2 irrigated acres under water right number 71-10763, limited to the irrigation of a combined total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B, and 71-10764. IDWR recommended this acreage based on the following:

- a) On 7/27/1993 IDWR Regional Manager Allen Merritt conducted a field examination on the claimed place of use and observed an irrigated parcel within the area claimed under these water rights. See the above discussion of water rights 71-00028 and 71-00029 for an explanation of Mr. Merritt's observations during the field examination.
- b) In analysis of the number of acres irrigated, GIS technology was utilized. Mr. Merritt created a GIS shape file by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

Shape 1 represents the lands irrigated only from Salmon River. This shape contains approximately 28.7 acres.

Shape 2 represents the lands irrigated from both the Salmon River and water from Fisher Creek/Fourth of July Creek. This shape contains approximately 20.1 acres.

Shape 3 represents the lands irrigated from both Fisher Creek/Fourth of July Creek and from the unnamed stream which diffusely enters the delivery ditch from Fisher Creek. This shape contains approximately 75.8 acres.

Shape 4 represents the lands irrigated only from Fisher Creek/Fourth of July Creek. This shape contains approximately 104.5 acres.

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-

10764. The recommendation for 71-10197 was based on shape 3 which totals 75.8 acres. IDWR therefore recommends 200.2 acres as irrigated under water right number 71-10763 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

2. Attachment D, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-10763.

B. Point of Diversion

1. IDWR recommended a point of diversion at SWSWNW section 3, T8N, R14E, B.M., and SWNE section 12, T8N, R14E, B.M., and NESESW section 3, T8N, R14E, B.M.. IDWR recommended these points of diversion based on the following:

a. On 6/30/1993, and again on 7/27/1993, Mr. Merritt conducted field examinations in the area and observed the point of diversion which delivers water from Fisher Creek (SWSWNW section 3, T8N, R14E) to the subject lands and another adjacent ranch. During the field exams water was also observed being diverted from Fourth of July Creek at SWNE section 12, T8N, R14E and being conveyed to the subject property through a common ditch also serving other users. Mr. Merritt also observed that some of the water diverted from Fourth of July Creek and delivered by the above described ditch is injected into Fisher Creek at NESESW section 3, T8N, R14E, a point upstream of the Fisher Creek diversion which serves the subject lands. One of the claimed points of diversion, SWNE section 10, T8N, R14E was not recommended. This claimed point of diversion is at or near the point where the common ditch from Fourth of July Creek splits. The south fork below this split serves other users on the plateau between Fisher Creek and Fourth of July Creek and the north fork below this split injects water into Fisher Creek. This point was not reported because IDWR does not normally administer rediversions from a ditch.

b. Following the field exam, Mr. Merritt confirmed the locations of the points of diversion and the point of injection using USGS orthophoto quad map V70. He also confirmed the locations of the points of diversion and point of injection through GIS technology using NAPP photo number 441-122 and/or 441-137 dated 8/22/1988, and NAPP photo number 437-22 dated 8/8/1987.

C. Priority Date

1. Water right number 71-10763 was claimed with a priority date of 7/11/1922, the priority date listed for decreed rights 71-00035 and 71-00036.

2. IDWR recommended a priority date of 5/1/1962. IDWR recommended this priority date based on the following:

- a. The affidavit of Fred Humphreys dated March 7, 1994 indicating that water began to be used on the claimed place of use in 1962. The affidavit is attached as Attachment E.

CONCLUSION

Based on the foregoing legal principles and factual findings, IDWR has determined that its recommendation for number of acres irrigated for claim to water right numbers 71-00028, 71-00029, 71-10197, and 71-10763 as represented in Attachment F are accurate and should be so recommended by the Special Master.

ATTACHMENT A

No. 1363

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER.

DAN J. CAVANAGH,

Plaintiff,

vs.

Wm. Merritt and Sadie L. Merritt, husband
and wife; Garner Warner (same person as
Garner W. Warner) and Marty Merritt Warner,
husband and wife; Rupert Leslie Niece and
Bonda Critchfield Niece, husband and wife;
Andrew Critchfield, a single man; Barney
Lanier and Nellie Merritt Lanier, husband
and wife, and John Brown,

Defendants.

MARJORIE L. SHAW,

Intervenor,

vs.

Wm. Merritt and Sadie L. Merritt, husband
and wife; Garner Warner (same person as
Garner W. Warner) and Marty Merritt Warner,
husband and wife; Andrew Critchfield, a single
man; Barney Lanier and Nellie Merritt Lanier,
husband and wife; Dan J. Cavanagh and Mrs. Dan
J. Cavanagh, husband and wife; Geyer M. McVey
and Mrs. Geyer M. McVey, husband and wife; and
Merton O. McVey and Emma McVey, husband and wife,

Defendants.

and

John H. Thompson and Josephine Thompson, husband
and wife; Kathryn H. Huntington, a widow; Ben
Darrah and Mattie V. Darrah, husband and wife; M.
Bar M. Inc., a corporation; Melvin Chivers and
Stella Chivers, husband and wife; William Chivers
and Estelle Chivers, husband and wife; Roy Chivers
and Elizabeth Chivers, husband and wife; Mike Gini
and Emma Gini, husband and wife; Frank Oster and
Beatrice Oster, husband and wife; Pete Piva and
Louisa Piva, husband and wife; Theodore Cameron, a
bachelor; Cosette L. Peters, a widow; William Paul
and Lillian Paul, husband and wife; and Arthur
Silva and Hattie I. Silva, husband and wife,

Intervenors.

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Department of Reclamation

DE C R E E

This cause came on regularly for trial on the 10th day of October,
1939, Chase A. Clark and John L. Bloem appearing as attorneys for plaintiff,
and A. F. James, as attorney for defendants, and Merle L. Drake, J. Wesley
Holden and Harry Holden, as attorneys for John H. Thompson and Josephine

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described lots in the Townsite of Stanley, which is situated in said NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; Lots 1, 2, 4, 5, 6, 7, 8 and 9 in Block 1; Lots 7, 8, 11 and 12, in Block 2; Lots 1, 2, 3, 4, 5, 8, 10, 11 and 12 in Block 3; Lots 1, 7, 8, 9, 11 and 12 in Block 4; Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 5; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, in Block 6.

(B) Also, as per judgment in Book 3 of Judgments at page 172, for right of way, described as follows, to-wit: A strip of land 50 feet in width and 217 feet in length, being 25 feet on each side of the following described center line; Beginning at a point 35.5 feet North and 1320 feet West of the SE corner of Sec. 4, Twp. 10 N. R. 13 E. B. M., thence South 81° 13' East, 217 feet to a point 2.4 feet North and 1105.5 feet West of SE corner, Sec. 4, Twp. 10 N. R. 13 E. B. M., containing 0.25 acres, situated in Custer County, Idaho.

TRACT #2

Lot 10, Sec. 3; the Southeast Quarter of the Southwest Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter, of Section 9; Lots 2, 3 and 6, in Section 10, all in Township 10 North, Range 13, East Boise Meridian, containing 339.40 acres, more or less.

EXCEPTING THE FOLLOWING:

(A) Beginning at a point 173 feet South of a point 933.5 feet east, more or less, of the NW corner of Section 10, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence South 8° 30' W. 264 feet to corner #2; thence South 58° 30' East, 638 feet, to corner #3; thence North 10° 51' East, 548 feet, to corner #4; thence North 9° 06' East 225 feet, to corner #5; thence South 75° 36' West, 665 feet, more or less, to corner #1;

(B) Beginning at a point which bears South 3° 20' West 448.75 feet from a point 934.64 feet, more or less, due East of the NW corner of Sec. 10, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence South 28° 17' East 937.25 feet to corner #2; thence North 9° 38' East, 507.95 feet to corner #3; thence North 58° 30' West 621.05 feet to corner #1, the place of beginning;

(C) Beginning at a point 1578.84 feet East, more or less, on Section line from SW corner of Sec. 3, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence North 8° 52' East, 1320 feet, to corner #2; thence West 49.5 feet to corner #3; thence South 8° 52' West, 1320 feet to corner #4; thence East 49.5 feet to corner #1, the place of beginning;

(D) Beginning at a point 1653.39 feet East of Section line of NW corner of Lot 2, Sec. 10, Twp. 10 N. R. 13 E. B. M., thence South 10° 25' West 1237.91 feet to the intersection at this point of the west bank of the Salmon River and the right of way of the Stanley-Banks-Clayton Highway, in Lot 2, of Sec. 10, Twp. 10 N. R. 13 E. B. M., thence in a northeasterly direction along the river bank to meander corner between Sections 3 and 10, thence West 106.6 feet to corner #1, the place of beginning.

(E) Beginning at a point 1653.39 feet, more or less, East on Section line between Section 10 and Section 3, Twp. 10 N. R. 13, E. B. M., said point being corner #1, thence North 7° 55' East, 200 feet to corner #2; thence East 87 feet, to West bank of Salmon River; thence Southerly along bank to meander corner between Sections 3 and 10; thence West 106.6 feet to point of beginning, said tract lying wholly in Lot 10, Sec. 3, Twp. 10 N., R. 13 E. B. M.

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71. 0012

Creek with date of priority May 1, 1902, and he is also entitled to 400 miner's inches or (8.0 cubic feet per second) of time of the waters of said Iron Creek with date of priority June 1, 1902; that he is also entitled to 600 miner's inches or 12.0 cubic feet per second of time of the waters of said Iron Creek with date of priority July 1, 1902, and with points of diversion from said Iron Creek for said rights at approximately North 33° 27' East 1450 feet from quarter corner common to Sections 5 and 8, Township 10 North, Range 13 E. B. M., and also points of diversion from said creek at a point approximately South 61° 47' West 1836 feet from quarter corner common to sections 5 and 8, Township 10 North, Range 13 E. B. M. All of said rights being appurtenant to the lands as hereinbefore described.

That the defendants, Wm. Merritt and Sadie F. Merritt are the owners of, and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 10 North, Range 13 E. B. M.

71. 0014 And appurtenant to said land they are entitled to 80 miner's inches or 1.6 cubic feet per second of time of the waters of Meadow Creek with date of priority May 1, 1910 and 160 miner's inches or 3.2 cubic feet per second of time of the waters of Meadow Creek with date of priority July 1, 1910, and with points of diversion near the center of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, and in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 10 North, Range 13 E.B.M.

71. 0016 And appurtenant to said land they are entitled to 40 miner's inches or .8 cubic feet per second of time of the waters of Goat Creek with date of priority May 1, 1902, and with points of diversion from what is known as the Merritt-Cavanagh-Lanier ditch in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 10 North, Range 13 E. B. M.

That the defendants, Garner Warner (same person as Garner W. Warner) and Sadie Merritt Warner, are the owners of, and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 10 North, Range 13 E. B. M.

71. 0017

And appurtenant to said lands they are entitled to 25 miner's inches or .5 cubic feet per second of time of the waters of Meadow Creek with date of priority May 1, 1910, and 100 miner's inches or 2.0 cubic feet per second of time of the waters of Meadow Creek with date of priority July 1, 1910, with points of diversion near the center of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, and in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 10 North, Range 13 E. B. M.; and in SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and in SE $\frac{1}{4}$ NW $\frac{1}{4}$ all in Sec. 20, Twp. 10 N. R. 13 E. B. M.

That the defendants, Barney Lanier and Nellie Merritt Lanier are the owners of and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 10 North, Range 13 E. B. M.,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 10 North,
Range 13 E. B. M.

71. 0019

And appurtenant to said lands they are entitled to 45 miner's inches or .9 cubic feet per second of time of the waters of Goat Creek with date of priority May 1, 1902, and 75 miner's inches or 1.5 cubic feet per second of time of the waters of Goat Creek with date of priority June 1, 1902, and 120 miner's inches or 2.4 cubic feet per second of time of the waters of Goat Creek with date of priority August 1, 1902, and with two points of diversion, one of which is the Merritt-Cavanagh-Lanier diversion point above described, and the other shortly below said diversion point, both, however, in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Twp. 10 N. R. 13 E. B. M.

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That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey, and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described land situated in Custer County, State of Idaho, to-wit:

$S\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 9, Township 8 North, Range 14 E. B. M.

71 6033 And appurtenant to said lands they are entitled to 45 miner's inches (or .9 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority May 21, 1918.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey, and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 9, Township 8 North, Range 14 E. B. M.

71 6034 And appurtenant to said lands they are entitled to 75 miner's inches (or 1.5 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority February 27, 1919.

That the defendants in intervention, Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$SE\frac{1}{4}$ of Section 4, Township 8 North, Range 14 E. B. M.

71 6035 And appurtenant to said lands they are entitled to 150 miner's inches (or 3 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority April 19, 1919.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 4, and $E\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 9 in Township 8 North, Range 14 E. B. M.

71 6036 And appurtenant to said lands they are entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority July 11, 1922.

That the point at which the waters of Fourth of July Creek in the preceding sections decreed to said defendants in intervention are diverted from said stream is approximately in the southwest corner of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 12, Township 8 North, Range 14 E. B. M.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$SW\frac{1}{4}$ of $NW\frac{1}{4}$, and $NW\frac{1}{4}SW\frac{1}{4}$, of Section 3, and the $N\frac{1}{2}$ of Section 4, Township 8 North, Range 14 E. B. M.

71 6037 And appurtenant to said lands they are entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority April 19, 1919.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

fourteen minutes west thirty and forty-two hundredths chains to corner No. 7; thence, south forty-one degrees eighteen minutes west twenty and eighty-one hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and forty-one hundredths acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General;

71 6041 And appurtenant to said lands, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Hannah Creek, a tributary of Valley Creek and/or Valley Creek, with date of priority May 1, 1913, and with points of diversion from said Hannah Creek and Valley Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 11 North, Range 12, E. B. M.

John Thompson and Josephine Thompson are the owners of, and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 271, embracing a portion of Section two, three and ten in Township eleven north of Range twelve east of the Boise Meridian, in Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, identical with the corner to said Sections two, three and ten; thence, north forty-one degrees eighteen minutes east twenty and eighty-one hundredths chains to corner No. 2; thence, north eightysix degrees twenty-three minutes west thirteen and seventy-seven hundredths chains to corner No. 3; thence, south seventy-nine degrees thirty-four minutes west thirty-five and sixty-eight hundredths chains to corner No. 4; thence, south forty-two degrees thirty-five minutes west thirteen and sixty-four hundredths chains to corner No. 5; thence, south forty-two degrees thirty-five minutes west fourteen and fifty-one hundredths chains to corner No. 6; thence south forty-two degrees twenty-one minutes east thirty-one and eighty-three hundredths chains to corner No. 7; thence, north forty-two degrees forty-six minutes east thirty-five and fourteen hundredths chains to corner No. 8; thence north forty-six degrees twenty-six minutes east twelve and twenty-hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and eighty-six hundredths acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General.

71 6042 And appurtenant to said land, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek with date of priority May 1, 1914, with point of diversion from Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 11 North, Range 12, E. B. M.

John Thompson and Josephine Thompson are the owners of, and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 274, embracing a portion of Section three in Township eleven north of range twelve, east of the Boise Meridian, in Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the south quarter corner to said Section three bears south eighty-nine degrees fifty-four minutes east, four and twenty-two hundredths chains distant; thence north eighty-nine degrees fifty-four minutes west eleven and twenty-five hundredths chains to corner No. 2; thence, north twenty-nine degrees thirty minutes west twenty-two and sixty-five hundredths chains to corner No. 3; thence, north eighteen degrees thirty minutes west twenty-three and forty-four hundredths chains to corner No. 4;

chains to corner No. 12; thence N. 73 deg. 38' W. 7.65 chains to corner No. 13; thence N. 34 deg. 45' W. 7.83 chains to corner No. 1, the place of beginning containing 154.86 acres..

71 0045 And appurtenant to said land, they are entitled to 150 miner's inches (Or 3 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1914, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, East Boise Meridian; and they are also entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1918, and with point of diversion from said Elk Creek at a point located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B.M.

M. Bar M. Inc., a corporation, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 272, embracing a portion of Sections ten and eleven in Township eleven North of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the north corner to said Sections ten and eleven bears north three minutes west thirteen and forty-one hundredths chains distant; thence south sixty- degrees twenty minutes east fifty-six and sixty-nine hundredths chains to corner No. 2; thence south forty-three degrees three minutes west twenty-three and ninety-three hundredths chains to corner No. 3; thence north sixty degrees three minutes west thirty-eight and two hundredths chains to corner No. 4; thence north sixty-six degrees forty-four minutes west twenty nine and sixty four hundredths chains to corner No. 5; thence north forty-two degrees forty-six minutes east twenty-seven chains to corner No. 6; thence south sixty degrees twenty minutes east ten and eighteen hundredths chains to corner No. 1, the place of beginning containing one hundred fifty-nine and twenty-one hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General;

71 0047 And appurtenant to said lands it is entitled to 180 miner's inches (or 3.6 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1914, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, East Boise Meridian; and it is also entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1939, and with point of diversion from said Elk Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 11 North, Range 12, E. B. M.

Melvin Chivers and Stella Chivers, William Chivers and Estelle Chivers, Roy Chivers and Elizabeth Chivers, Mike Gini and Emma Gini, Frank Oster and Beatrice Oster and Pete Piva and Louisa Piva, are the owners and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit :

A tract of 159.02 acres within the Challis National Forest, embraced in Homestead Entry Survey No. 134, List 4-381 in Sections 13 and 24, surveyed township 11 north, range 12 East, and Sections 18 and 19, surveyed township 11 north, Range 13 East, Boise Meridian, more particularly described by metes and bounds as follows: Beginning at corner No. 1 from whence the corner common to Sections 13-24-18 and 19 township 11 north, ranges 12 and 13 east, Boise Meridian bears north 0° 1' west 2.97 chains distant; thence north 82° 16' East 10.54 chains to corner No. 2; thence north 15° 40' west 1.65 chains to corner No. 3; thence north 15° 40' west 37.06 chains to corner No. 4; thence north 15° 40' west 25.17 chains to corner No. 5; thence north 45° 00' west 11.41 chains to corner No. 6; thence south 89° 27' west 17.42 chains to corner No. 7; thence south 16° 15' east 64.38 chains to corner No. 8; thence south 16° 15' east 4.78 chains to corner No. 9; thence north

71 0051 And appurtenant to said lands, they are entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Tennell Creek, a tributary of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Tennell Creek at a point located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 11 North, Range 13 E. B. M., and they are also entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Valley Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B. M.

Theodore Cameron, a single man, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 422, embracing a portion of Sections thirteen, fourteen and twenty-four in Township eleven north of Range twelve east of the Boise Meridian, more particularly bounded and described as follows: Beginning at a corner No. 1, from which the north quarter corner to said Section twenty-four bears north eighty-nine degrees fifty-three minutes west one and eighty-nine hundredths chains distant; thence, south twenty degrees fifty-two minutes east eleven and ninety-hundredths chains to corner No. 2; thence, south ten degrees fifty-five minutes east eighteen and eighteen hundredths chains to corner No. 3; thence, south twenty-eight degrees fifty-one minutes west two and fifty-hundredths chains to corner No. 4; thence, south eighty-six degrees forty-four minutes west eighteen and seventeen hundredths chains to corner No. 5; thence, north thirty-five degrees eight minutes west thirty-nine and forty-five hundredths chains to corner No. 6; thence north fifty-eight degrees ten minutes west eight and ninety-one hundredths chains to corner No. 7; thence north fifty-eight degrees ten minutes west five and ninety-eight hundredths chains to corner No. 8; thence, north four degrees thirty-two minutes west seven and fifteen hundredths chains to corner No. 9; thence north eighty-four degrees fifty-seven minutes east five and seventy-hundredths chains to corner No. 10; thence north eighty-four degrees fifty-seven minutes east thirty-four and ninety-five hundredths chains to corner No. 11, thence south twenty degrees fifty-two minutes east nineteen and ninety-one hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and twenty-one hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 0052 And appurtenant to said land he is entitled to 120 miner's inches (or 2.4 cubic feet per second of time of the waters of Park Creek, a tributary of Valley Creek, with date of priority May 1, 1913, and with point of diversion from said Park Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 11 North, Range 12, E. B. M., and he is also entitled to 120 miner's inches (or 2.4 cubic feet per second of time of the waters of Valley Creek, with date of priority May 1, 1939, with point of diversion from said Valley Creek at a point located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, E. B. M.

Cosette L. Peters, a widow, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 321, embracing a portion of Section nineteen in Township eleven north of Range thirteen east and Sections twenty four and twenty-five in Township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the east corner to said Sections twenty-four and twenty-five bears east four and ninety-three hundredths chains distant; thence south nineteen degrees west three and eighty-eight hundredths chains to corner No. 2; thence north sixty-seven degrees thirty-minutes west nine and fifty-eight hundredths chains to corner No. 3; thence north sixty-seven degrees thirty minutes west two and fifty-four hundredths chains to corner No. 4; thence north five degrees twenty-two minutes west sixty and ninety-one hundredths chains to

chains to corner No. 2; thence north sixty-nine degrees forty-one minutes east twenty-five and ninety-six hundredths chains to corner No. 3; thence south sixteen degrees fifteen minutes east sixty-four and thirty-eight hundredths chains to corner No. 4; thence, south sixteen degrees fifteen minutes east four and seventy-eight hundredths chains to corner No. 5; thence, south eighty-one degrees forty-one minutes west twenty-two and one-hundredths chains to corner No. 6; thence north nineteen degrees fifty-three minutes west eight and thirty-five hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and eleven hundredths acres according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General;

71 6057 And appurtenant to said lands they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1904, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, E. B. M.

Arthur Silva and Hattie I. Silva are the owners of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 273, embracing a portion of Sections twenty-four and twenty-five in township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the quarter corner to said Sections twenty-four and twenty-five, bears east nine and fifty-six hundredths chains distant; thence, north sixteen degrees twelve minutes west four and seventy-seven hundredths chains to corner No. 2; thence north twenty-three degrees thirty-six minutes east forty-eight and thirty-four hundredths chains to corner No. 3; thence north eighty-four degrees twelve minutes east eight and forty-nine hundredths chains to corner No. 4; thence south five degrees twenty-five minutes east forty-nine and ninety-three hundredths chains to corner No. 5; thence south five degrees twenty-five minutes east ten and five-hundredths chains to corner No. 6; thence south fifty six degrees fifty nine minutes west twenty-nine and thirty-one hundredths chains to corner No. 7; thence north sixteen degrees twelve minutes west twenty-seven and four hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-eight and twenty-seven hundredths acres according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 6058 And appurtenant to said land, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 11 North, Range 12, E. B. M.

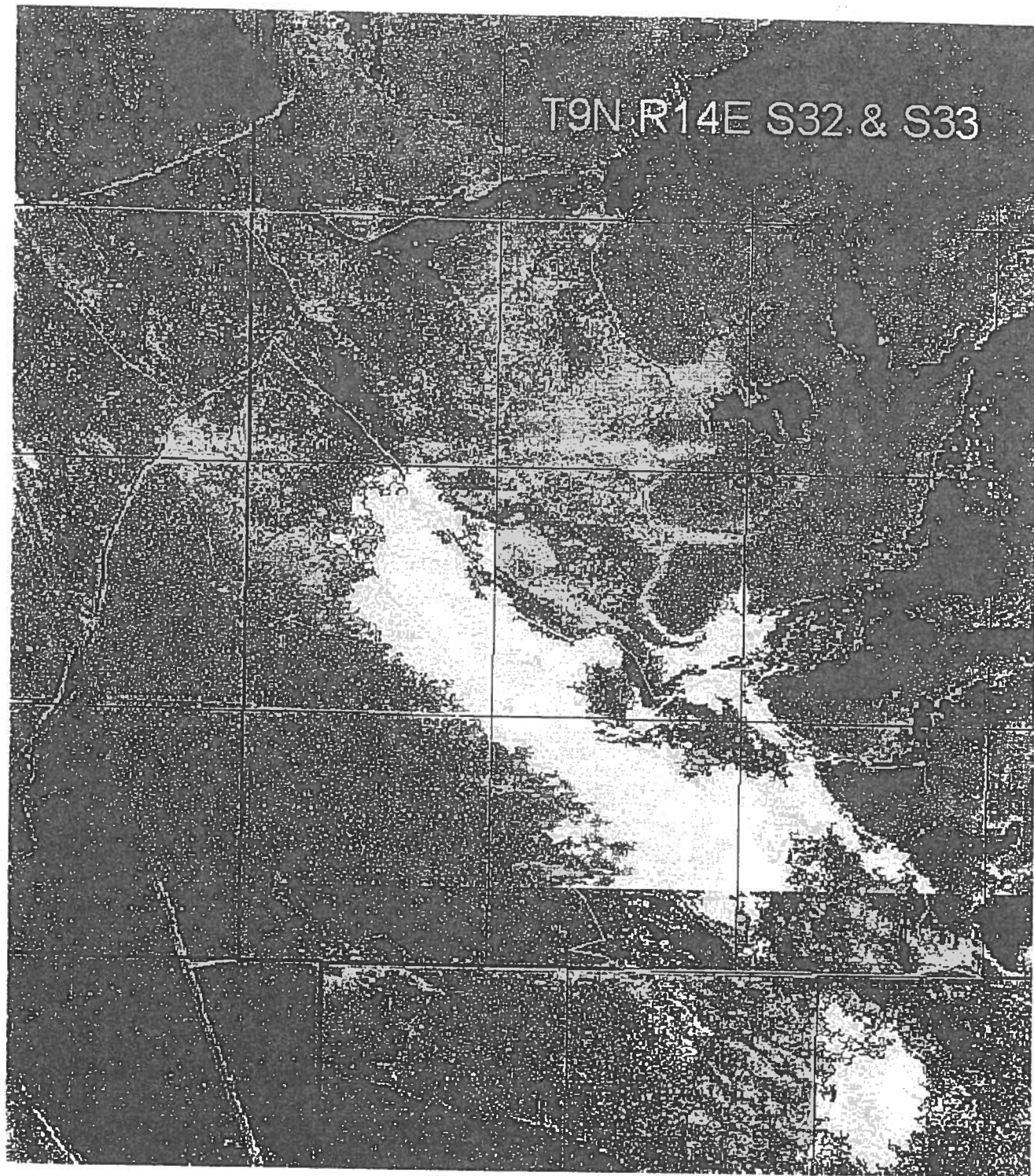
It is further ADJUDGED AND DECREED, that the water rights as hereinbefore set forth are established, quieted and confirmed, and that all parties to this action, and all persons claiming under them, their attorneys, agents, servants and employees are hereby perpetually restrained, prohibited and enjoined from interfering with the rights awarded to the others as this decree provides.

It is further ADJUDGED AND DECREED, that the water decreed to the respective tracts of land of the respective parties to this action by this decree has been applied to and used upon the respective tracts of land for

ATTACHMENT B

IDAHO DEPARTMENT OF WATER RESOURCES

71-00028, 71-00029



660 0 660 1320 1980 2640 Feet

-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion

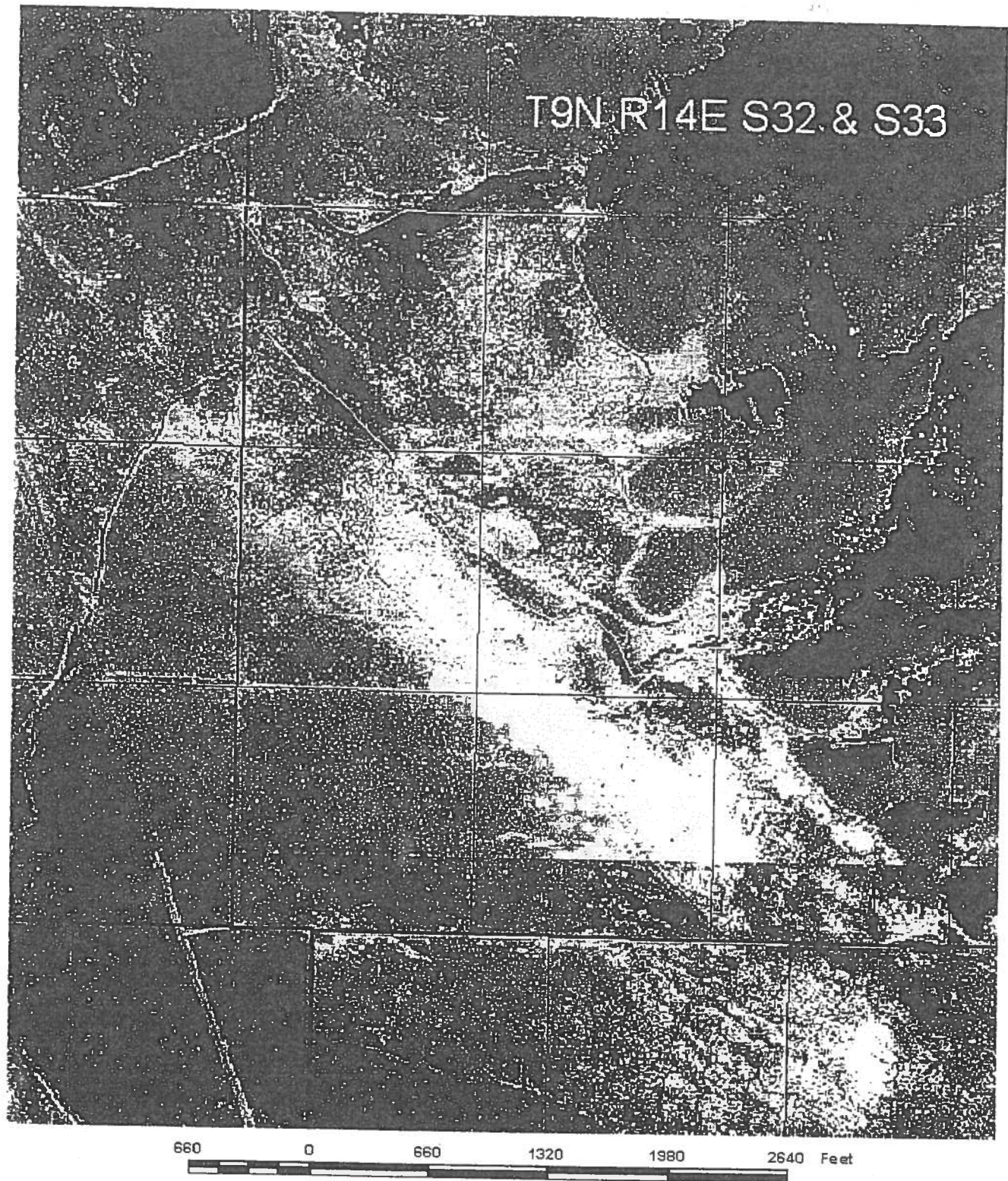


GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAIP
DATA ENTRY: May, 1998
By: Allen Merritt
(Layout by: D. Jones)

ATTACHMENT C

IDAHO DEPARTMENT OF WATER RESOURCES

71-10197



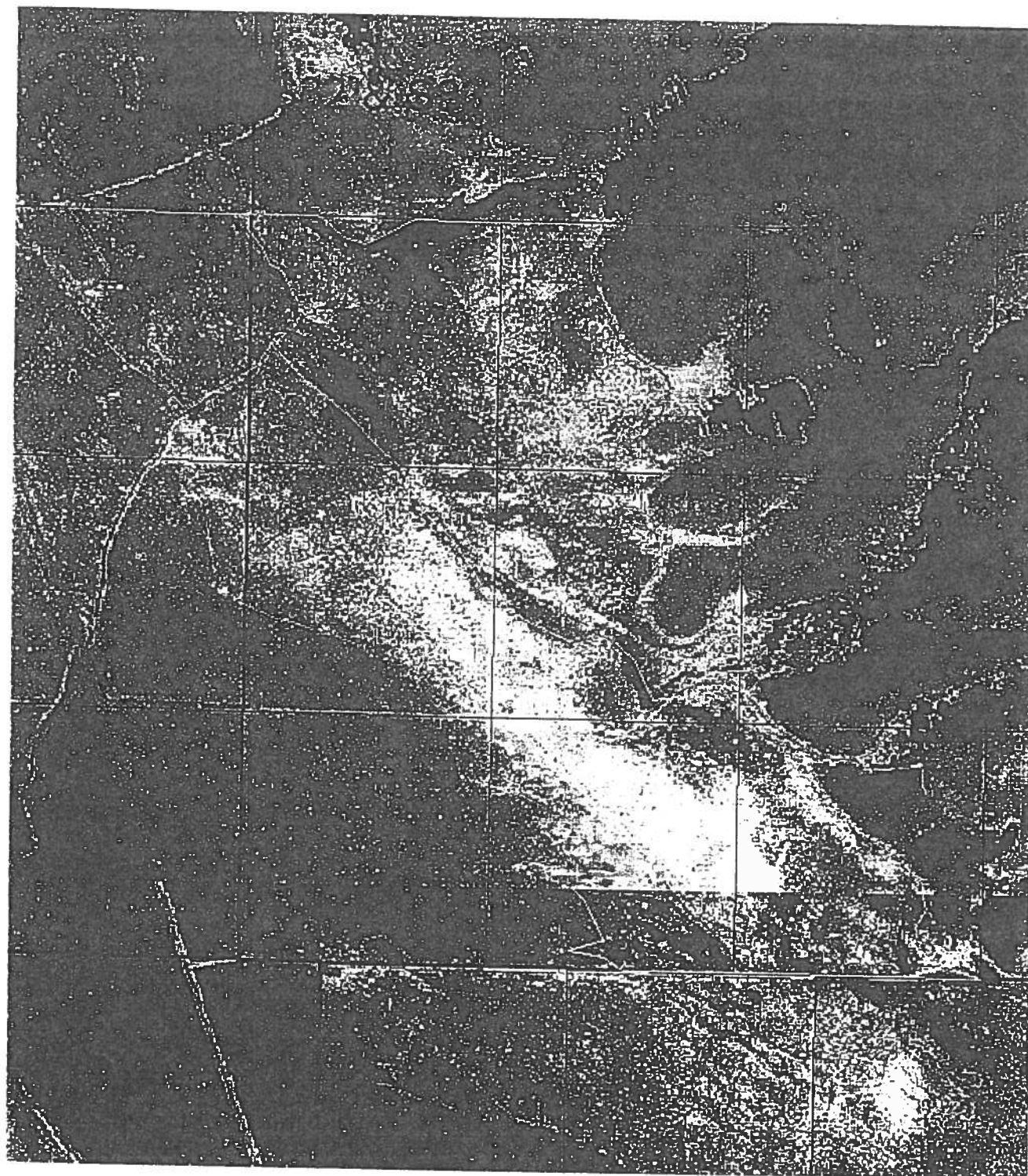
-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAIP
DATA ENTRY: May, 1998
By: Allen Merritt
(Layout by D. Jones)

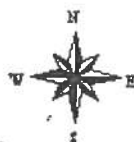
ATTACHMENT D

71-10763



1320 0 1320 2640 Feet

-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAPP
DATA ENTRY: May, 1998
By: Allen Merritt
(Layout by: D. Jones)

ATTACHMENT E

March 7, 1994

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720

RECEIVED

MAR 21 1994

Department of Water Resources
Southern Region Office

Re: Fourth of July Creek

Dear Gentlemen,

In 1962, both my property and that of the adjoining neighbor, approximately 120 acres, were supplied irrigation water from Fourth of July Creek. This creek ran down the side hill unrestricted, turning into Fisher Creek. Because of erosion problems due to the water running down the hillside, the Forest Service requested that the owners keep the water off the side hill.

A group of individuals bought 100 acres on top of the hill and developed White Cloud Subdivision No. 1. Almost all of this 100 acres was irrigated by Fourth of July Creek water. Because the property was subdivided and roads were put in, there was no control on how water was to be used on the subdivision's 100 acres. Due to this uncontrolled water, excessive erosion was created. After a couple of dry years this water was needed to maintain grass for my property that was irrigated by Fisher Creek water. I found an old diversion ditch before the water got to the subdivision property. (Shown on the map accompanying the claim.) The water has been continuously diverted from that diversion point to Fisher Creek for the last 15 years and used on the Fisher Creek Ranch, that I own, and also on the land now owned by the Stones.

There has also been some intermittent use of water by the subdivision scattered along Fisher Creek. Since that subdivision was established, there has been somewhat of a continuing hassle with property owners on how much water they were entitled to, which, to the best of my knowledge, was zero out of Fourth of July Creek and one-fourth of Fisher Creek water. I put in two, four foot headgates with padlocks in Fisher Creek and the locks were constantly broken. I always let a modest amount of water go down Fisher Creek to be used by the subdivision. These people continuously broke the locks to misappropriate more than their share of water, particularly on weekends. I eventually asked the Custer County Sheriff's office to address this problem. A Deputy Sheriff came up and notified the people in the subdivision that they had to abide by existing water rights. That did not fully correct the problems, but it reduced the misappropriation of the water.

Idaho Department of Water Resources
Adjudication Bureau
March 7, 1994
Page 2

A filing was made on surplus Fourth of July Creek water when this adjudication commenced. Since that time, this water has been continuously put to use on my property and the Stone property on Fisher Creek.

Best regards,



Fred Humphreys



Witness

Subscribed and sworn before me this 17th day of March 1994.

Notary Public Ginda R Koch

Residing at Meridian

My Commission Expires 12-4-97

ATTACHMENT F

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-28-1999
PAGE: A-15

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00028

NAME & ADDRESS: FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 4.2 CFS

PRIORITY DATE: 06/09/1908

POINT OF DIVERSION: T08N R14E S03 SWSWNW Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		05-01 10-31	4.2 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T09N R14E S32	SENE 21.1	NESE 4		
	S33	SWNW 39	SENE 20.9	NESW 30.6	NWSW 31.2
		SWSW 0.2	SESE 29.8	NWSE 1.2	SWSE 22.2
	200.2 ACRES TOTAL				

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-28-1999

PAGE: A-16

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00028 (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B,
71-00037B, 71-00028, 71-00029 & 71-10763.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-28-1999
PAGE: A-17

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00029

NAME & ADDRESS: FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.25 CFS

PRIORITY DATE: 03/22/1910

POINT OF DIVERSION: T08N R14E S03 SWSNW Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	2.25 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T09N R14E S32	SENE 21.1	NESE 4		
	S33	SWNW 39	SENE 20.9	NESW 30.6	NWSW 31.2
		SWSW 0.2	SESE 29.8	NWSE 1.2	SWSE 22.2
	200.2 ACRES TOTAL				

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-28-1999

PAGE: A-18

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00029 (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B,
71-00037B, 71-00028, 71-00029 & 71-10763.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-28-1999
PAGE: A-27

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10197

NAME & ADDRESS: FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.47 CFS

PRIORITY DATE: 05/31/1920

POINT OF DIVERSION: T09N R14E S33 SWNWSE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	0.4 CFS
	STOCKWATER	01-01 12-31	0.07 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SENE 0.1
S33 SWNW 30.2 SENW 20.9 NESW 19.8 NWSW 4.3
NWSE 0.5
75.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

STOCKWATER Within CUSTER County
T09N R14E S33 NESW NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-28-1999

PAGE: A-28

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10197 (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER FOR 360 HEAD OF RANGE CATTLE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-6-1999
PAGE: A-1

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10763

NAME & ADDRESS: FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

ERNEST DAY
FRED HUMPHREYS
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER
FOURTH OF JULY CREEK SALMON RIVER

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM FISHER
CREEK.

QUANTITY: 5.02 CFS

PRIORITY DATE: 05/01/1962

POINT OF DIVERSION: T08N R14E S03 SWSNW Within CUSTER County
S12 SWNE
S03 NESESW (INJECTION)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		05-01 10-31	5.02 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T09N R14E S32	SENE 21.1	NESE 4		
	S33	SWNW 39	SENE 20.9	NESW 30.6	NWSW 31.2
		SWSW 0.2	SESE 29.8	NWSE 1.2	SWSE 22.2
	200.2 ACRES TOTAL				

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-6-1999

PAGE: A-2

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10763 (CONT)

OTHER PROVISIONS: (CONT)

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B,
71-00037B, 71-00028, 71-00029 & 71-10763.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
ON FOURTH OF JULY CREEK DESCRIBED ABOVE: 71-00033A, 71-00033B,
71-00033C, 71-00033E, 71-00034A, 71-00034B, 71-00034C, 71-00034D,
71-00034E, 71-00034F, 71-00034G, 71-00035A, 71-00036C, 71-00037B,
71-00037C & 71-10763.

ONLY AMOUNT MEASURED AT POINT OF INJECTION DESCRIBED ABOVE MAY
BE REDIVERTED AT POINTS OF REDIVERSION DESCRIBED ABOVE.

PORTIONS OF THIS RIGHT MAY BE USED FOR CONVEYANCE LOSSES IN
DELIVERY OF THE RIGHTS LISTED ABOVE.

EXHIBIT 2

ALAN LANCE
Attorney General

SARA C. DENNISTON
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900
Fax: (208) 327-5400

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA Claimant	)	Subcase Nos. 71-00028, 71-00029,
	)	71-10197, and 71-10763
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF ALLEN MERRITT
	)	
	)	
	)	
STATE OF IDAHO	)	
	) ss.	
County of Ada	)	

Allen Merritt, being first duly sworn on oath, deposes and states as follows:

1. My name is Allen Merritt, and I am the Regional Manager of the Southern Region office of the Idaho Department of Water Resources (IDWR). I make the following statements based upon my personal knowledge of the facts related therein.
2. My work address is Idaho Department of Water Resources (IDWR), Southern Regional Office, 1241 Fillmore St, Suite 200, Twin Falls, ID 83301-3380. I reside in Twin Falls, Idaho.
3. I have previously been qualified by the Snake River Basin Adjudication Court as an expert in the field of water rights investigation, and so testified as such in numerous other trial

s and hearings in front of the Snake River Basin Adjudication Court, and participated in numerous settlement conferences and meetings with parties to the Snake River Basin Adjudication.

4. My educational background and relevant work experience is described in Exhibit 1 to this affidavit.

5. I conducted the investigation of claims to water right numbers 71-00028, 71-00029, 71-10197, and 71-10763. I also prepared the recommendation for these claims.

6. Based on my investigation and knowledge of these claims, I adopt as my testimony and incorporate in this Affidavit the Factual findings portions of the Supplemental Director's Report Regarding Claim to Water Right numbers 71-00028, 71-00029, 71-10197, and 71-10763 dated October 6, 1999, attached to the Affidavit of David R. Tuthill, Jr. as Exhibit 1.

Dated this 7th day of October, 1999



Allen Merritt

SUBSCRIBED AND SWORN before me this 2nd day of October, 1999



Notary Public for the State of Idaho

Residing at: Buhl ID

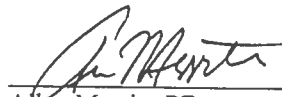
My commission expires: 8/8/2001

ALLEN MERRITT
EDUCATION AND WORK EXPERIENCE

1. My educational background includes an A.A. degree in Mathematics from the College of Southern Idaho in 1971; a B.S. degree in Civil Engineering from the University of Idaho in 1973; and a M.S. in Civil Engineering from the University of Idaho in 1982.
2. I have been registered as a professional engineer in Idaho since 1982. My P.E. certificate is No.4454. To become registered, I spent over four years as an engineer-in-training and passed an eight hour exam.
3. During the winter of 1973 to the winter of 1974 I worked for "Accurate Systems" in Twin Falls, Idaho, a private engineering consultant firm. My duties included property surveying, drafting, and preliminary subdivision design.
4. From late winter of 1974 to the early summer of 1975 I worked for "G.T. Newcomb, Inc." in Twin Falls Idaho. My duties included supervising a construction crew installing pivot sprinkler systems.
5. In the early summer of 1975 I began my employment with IDWR. From 1975 to 1976 I worked in Southern Region as a water right agent. My duties included reviewing various types of applications processed within the region, conducting beneficial use field exams for licensing of water right permits, drafting recommendations for licensing of water right permits, and conducting other water related data collection.
6. From spring of 1976 to the summer of 1979, while working with IDWR, I was a "Water Right Analyst". My duties expanded to include dam safety inspections for dams within the region. In the fall of 1977 to the spring of 1978 I returned to the University of Idaho.
7. During the period at the University of Idaho from the fall of 1977 to the spring of 1978 I attended class for my M.S. degree. During that period I also worked as a graduate assistant for professor Calvin Warnick and my duties included collection of field data for various graduate studies involving irrigation systems and power use. I also drafted figures and reduced data for various other graduate projects assisting other students.
8. In the spring of 1978 I returned to Twin Falls and began again working for IDWR in Twin Falls. In the summer of 1979 I became a "Senior Water Resource Analyst" and worked in this capacity until the fall of 1984. My duties included those described above with more responsible charge. I conducted the more difficult field exams and reviewed the work of others. At times I managed the office while the region's supervisor was absent. During this period I conducted numerous construction inspections for the development of the Cyprus Mine's tailings and sediment retention dams near Challis Idaho.
9. From the fall of 1984 to the spring of 1988 I continued working for IDWR in Twin Falls as a "Water Resource Engineer". Once I obtained my P.E. license the position was eventually upgraded to a "Water Resource Engineer". My duties were much the same as the "Senior Water Resource Analyst" position listed above.
10. Shortly after the commencement of the SRBA, in the spring of 1988, I changed positions within IDWR at Twin Falls and became a "Water Rights Supervisor". My duties included but were not limited to supervising six staff in Twin Falls assigned to the SRBA project. I all coordinated with others in the SRBA Bureau within IDWR to formulate procedures for claims review. I personally assisted in taking thousands of claims and conducted hundreds of claim verifications and recommendations. I worked in this capacity until the fall of 1994.

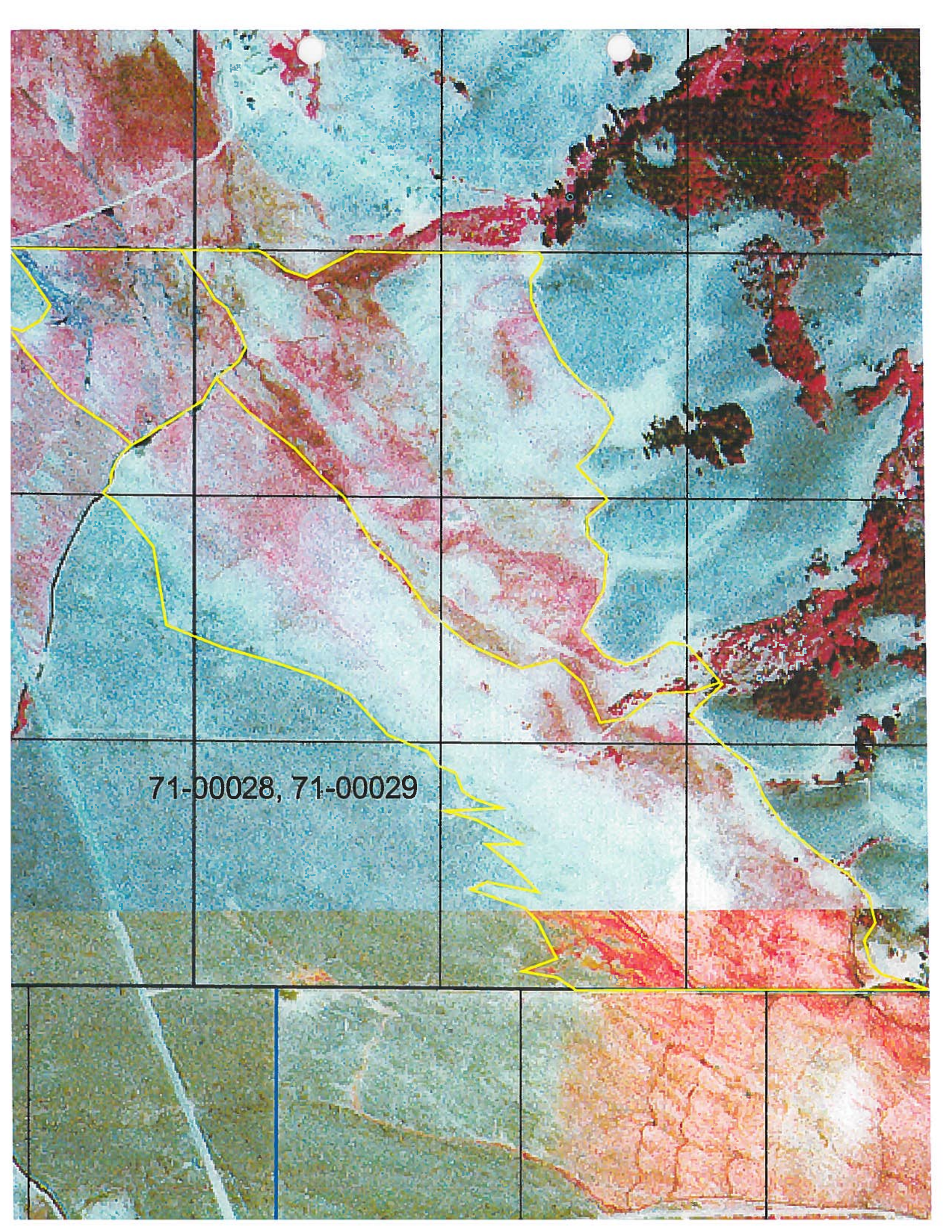
11. From 1994 to the present I have worked for IDWR in Twin Falls as the "Regional Manager". My duties include overseeing all activities at the Southern Region Office. Among the matters I oversee are personnel, salary and budgetary matters, water right permitting and licensing, dam safety issues, stream channel alteration issues, well construction issues, and coordination and participation with the SRBA unit in Twin Falls.
12. My additional training since college has included, but is not limited to: short courses by the Idaho Personnel Commission including "Elements of Supervision" and "The How and When of Discipline"; various training sessions provided by IDWR including "Arcview computer program use", "Team building", "Sexual Harassment", "Violence in the Work Place" and "Internal Control and Planning". I have also participated in training classes provided by Polysonics/Flosonics for use of the Tyme-Flyte measuring equipment as well as another by BPA for conducting energy audits of irrigation systems. I have also attended workshops involving the topic of "groundwater" and "measurement of water". I have also attended the "Western States Conference of Engineers" where water related issues were discussed.
13. I have lived since childhood in the vicinity of Twin Falls, Idaho except for the time spent at the University of Idaho in Moscow, Idaho as described above.

DATED this 7th day of October, 1999.


Allen Merritt, PE

SUBSCRIBED AND SWORN before me, a Notary Public in and for the State of Idaho, this ___ day of October, 1999.

Notary Public for Idaho,
Residing in _____, Idaho
My commission expires: _____



71-00028, 71-00029

This is an aerial photograph of a coastal region, possibly in Alaska, showing a yellow boundary line that follows a coastline or a specific land area. The image is overlaid with a black grid. The terrain is a mix of light blue, pink, and green, indicating different land cover types or water bodies. Two white circular markers are visible in the upper left corner. The text '71-00028, 71-00029' is printed in the lower left quadrant.

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 12, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:

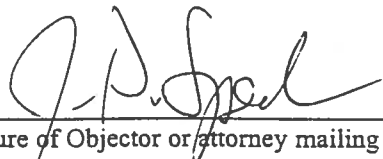
Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road,
Payette, ID 83661

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

F.

VERIFICATION (Must be completed)

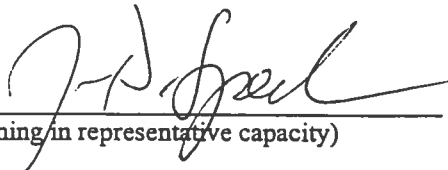
State of Idaho)
)
County of Blaine)

ss.

James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

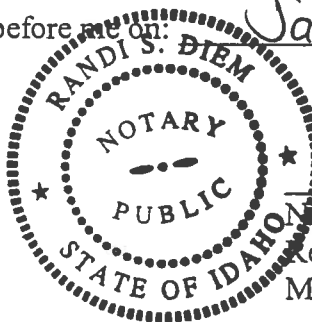
(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 12, 1999



Randi S. Diem
Notary Public for Idaho
Residing at Blaine Co, ID
My Commission expires 8-29-03

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: The same 210 acres as stated in the Notice of Claim A71-00028. The combined place of use restriction should be deleted.

10. **I object because:**

- ☐ This water should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Water has been beneficially used together with 71-00028 on the place of use claimed in the Notice of Claim A71-00028.

RECEIVED

JAN 25 1999

Department of Water Resources
Southern Region

RECEIVED

JAN 14 1999

Department of Water Resources

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

A. Subcase 71-00029

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661
Daytime Phone: (781) 890-2244

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

September 8, 1998

RECEIVED

SEP 09 1998

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: W. Michael and Candice P. Humphreys - Basin 71 Water Rights

Dear Allen:

I represent W. Michael and Candice P. Humphreys who own, individually or through the Humphreys' family, various properties in Basin 71. Will you please send me copies of the complete SRBA claim files including, but not limited to, the claim verification reports, for the following water rights:

71-02047A
71-04021
71-00028
71-00029
71-00033B
71-10764

71-00034C
71-00035C
71-00036B
71-10763
71-02085

Please call me right away if you have any questions about this request. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
cc: clients

72 Abbott Road
Wellesley, MA 02181
August 13, 1998

RECEIVED

AUG 19 1998

**Department of Water Resources
Southern Region**

VIA Federal Express

Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83705

Dear Sirs;

I have enclosed Notice of Error Reply Forms for the following Snake River Basin
Adjudication water right claims, in the name of Fred Humphreys & Ernest Day:

71-00028

71-00029

71-00033B

71-00034C

71-00035C

71-00036B

71-10763

71-02085B

Sincerely,



W. Michael Humphreys
Executor, Estate of Fred C. Humphreys

July 22, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
AUG 14 1998
Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: August 14, 1998

Water right number: 71-00029

FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

RECEIVED
AUG 19 1998
Department of Water Resources
Southern Region

Daytime Telephone Number:
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

of Acres

2. Describe the changes you wish to make in the proposed recommendation:

of Acres should be 210

3. Give a brief explanation as to why you disagree with these portions:

*8-12-98 W. Murrel Humphrey
Executor of Estate of Fred C. Humphreys.*

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____ SIGNATURE: _____
Please print your name: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

February 13, 1996

KARL J. DREHER
DIRECTOR

MARK W RICHEY MAI
207 W WASHINGTON
BOISE ID 83702-5992

A71-00029

RECEIVED

FEB 15 1996

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim - List Attached
Fred C. Humphreys - Change of Address

Department of Water Resources
Southern Region

Dear Mr. Richey:

As I explained on the telephone Tuesday morning, IDWR has been notified the address presently in our claim records for Fred Humphreys is incorrect. The Post Office gave his new address as 10495 Stone Quarry Rd., Payette, ID 83661-5134. We need him to confirm this is his correct mailing address. Future notices related to Mr. Humphreys' SRBA claims can be sent only to the address on his claims or as otherwise changed by him. The staff of this agency must avoid relying upon the word of others about his mailing address.

If the Payette address above is correct, please have Mr. Humphreys sign his name at the bottom of this letter, and return it to this office. Otherwise, please ask Mr. Humphreys to make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that Mr. Humphreys receives future notices about SRBA matters.

If the ownership of the property to which the water rights referenced on the attached list has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:southern:western

Enclosure:

Water Right Listing

#####

The address is correct as shown above or as otherwise changed.

Claimant

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

**In Re Snake River Basin Adjudication Case
No. 39576**

**) Notice of Filing Director's Report and Supplemental
) Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

**63336
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720**

**Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1**

**HUMPHREYS 83705221 1994 04/18/95
FORWARDING TIME EXPIRED
HUMPHREYS/FRED C
10495 STONE GUILFORD RD
10495 ID 83661-5134
PAYETTE RETURN TO SENDER
|||||**

**FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705**

RECEIVED

APR 20 1995

Department of Water Resources

Hello Doug:

Here's a list of the objected to water rights in basin 71. Dave and Peter will be picking up the original claims for filing with the court Tuesday morning. Southern also should have received copies of the basin 71 objections for the claim file--do you know if you did??

71-00026A	71-00026B	71-00028	71-00029	71-00033B
71-00034C	71-00035C	71-00036B	71-02047A	71-02047B
71-02054	71-02085B	71-04006	71-04018	71-04021
71-10057	71-10080	71-10081	71-10117	71-10139
71-10197	71-10631	71-10763	71-10764	

I'm trying to double check the overlaps (unobjected to) involved--we'll need those original claims also for Tuesday. They are:

71-00027B 71-10059

THANKS FOR YOUR HELP!! Any questions, call me at 327-5458.

FAX MEMORANDUM

TO: DOUG JONES - SOUTHERN AJ SUPERVISOR
FROM: VICKI KELLY - PARALEGAL
DATE: 2/10/99

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

05/30/98 10:03:03
Page 1

Water Right Number - R71-00029

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HUMPHREYS

FRED

1 - 1919 S PHILLIP
2 -
3 -

State- ID Zip- 83705

DAY

ERNEST

City- BOISE
Phone - 208-375-6940
1 - 1919 S PHILLIP
2 -
3 -

State- ID Zip- 83705

HUMPHREYS

FRED

City- BOISE
Phone - 208-375-6940
1 - 10495 STONE QUARRY RD
2 -
3 -

State- ID Zip- 836615134

DAY

ERNEST

City- PAYETTE
Phone - 208-000-0000
1 - 10495 STONE QUARRY RD
2 -
3 -

State- ID Zip- 836615134

*** R - REPRESENTATIVE ***
RICHEY

MARK W

1 - 207 W WASHINGTON
2 -
3 -

State- ID Zip- 837025592

City- BOISE
Phone - 208-344-2547

+ - - Priority Date - - +
03/22/1910

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECEDED

+ - - Status - - - +

+ - - Source - - - - - +
FISHER CREEK

+ - - Tributary - - - - - +
SALMON RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

08N 14E 3 SW SW NW

(37) CUSTER

+ - - Code Description Period From Period To Water Use - - - - - +
01 - IRRIGATION 05/01 09/30

01 - IRRIGATION

05/01 09/30

2.250

Diversion Rate Diversion Volume

+ - Total Div. Rate - + + - Total Div. Volume - +
2.250

+ - Total Consumptive Use - + + - KW Usage - +
0.0

Water right number - R71-00029

Prefix Translation: RESEARCH

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
09N	14E	32	SE NE		21.1	01	IRRIGATION	(37) CUSTER
09N	14E	32	NE SE		4.0	01	IRRIGATION	(37) CUSTER
09N	14E	33	SW NW		39.0	01	IRRIGATION	(37) CUSTER
09N	14E	33	SE NW		20.9	01	IRRIGATION	(37) CUSTER
09N	14E	33	NE SW		30.6	01	IRRIGATION	(37) CUSTER
09N	14E	33	NW SW		31.2	01	IRRIGATION	(37) CUSTER
09N	14E	33	SW SW		0.2	01	IRRIGATION	(37) CUSTER
09N	14E	33	SE SW		29.8	01	IRRIGATION	(37) CUSTER
09N	14E	33	NW SE		1.2	01	IRRIGATION	(37) CUSTER
09N	14E	33	SW SE		22.2	01	IRRIGATION	(37) CUSTER

Total Acres: 200.2

- - - Diversion Means - WOODEN HEADGATE TO GRAVITY DITCH.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 71-00028, 71-020858, 71-10763, 71-10764 & 71-10197

- - - Remarks -

POU1
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-020858 & 71-10764.

EXP
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B,
71-00037B, 71-00028, 71-00029 & 71-10763.

- - - Old Water Right Numbers -

- - - Conditions of Approval -

No Conditions of Approval found.

- - - Decree Plaintiff - - - +

DAN J. CAVANAGH

+ - - Decree Date - +
00/00/0000

- - - Comments - - - +
Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
WATER SUPPLIED BY FISHER CREEK IS STRICTLY SPRING RUN-OFF AND IS NOT SUFFICIENT FOR LATE SUMMER AND FALL IRRIGATION. SOILS ARE
SAND GRAVEL AND VERY PERMIABLE.

- - - Audit Fields - - +
05/30/98 AMERRITT

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

05/30/98 10:03:04
Page 3

Water right number - R71-00029

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +	
Court Report Filing	- 00/00/0000
Objection Filed Date	- 00/00/0000
Response Filed Date	- 00/00/0000
Claim Received Date	- 01/10/1990
Field Inspection Made	- 00/00/0000
Field Inspection Flag	-
Verified Date	- 00/00/0000
Last Amended Date	- 00/00/0000
Receipt Number	- C013908
POU Ownership Flag	- Y
Name Connector	- AND
Civil Case Number	- 39576
Old Case Number	-
Old Judicial District	-
Temporary Right	- P
Water District	-
Federal/State Indicator	- S
Presumption Flag	-
Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

LAST: SHAW
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 0

OWNER CODE: 0

LAST: RICHEY
ADDRESS: 207 W WASHINGTON
CITY: BOISE
PHONE NUMBER: 208-344-2547
STATE: ID ZIP: 837025592

OWNER CODE: R

LAST: HUMPHREYS
ADDRESS: 1919 S PHILLIP
CITY: BOISE
PHONE NUMBER: 208-375-6940
STATE: ID ZIP: 83705

OWNER CODE: C

LAST: DAY
ADDRESS: 1919 S PHILLIP
CITY: BOISE
PHONE NUMBER: 208-375-6940
STATE: ID ZIP: 83705

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y
FIELD EXAMINER Y() N()

CLAIM REMARKS: GEN WATER SUPPLIED BY FISHER CREEK IS STRICTLY SPRING RUN-OFF AND IS NOT SUFFICIENT FOR LATE SUMMER AND FALL IRRIGATION. SOILS ARE SAND GRAVEL AND VERY PERMIABLE.

CONTACT PERSON: Fred Humphreys

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 7/27/93 APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: Fred Humphreys

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-00029	PRIORITY DATE: 03-22-1910	STAGE: D
B. WR RECORD: # 71-00029	PRIORITY DATE: 03-22-1910	STAGE: D
C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?		Y(☒) N(☐)
D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?		Y(☐) N(☒)
E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)		Y(☐) N(☒)
F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?		
PROOF OF BENEFICIAL USE SUBMITTED		N/A(☒) Y(☐) N(☐)
FIELD EXAM COMPLETED		N/A(☒) Y(☐) N(☐)
FIELD EXAM SENT TO STATE OFFICE		N/A(☒) Y(☐) N(☐)
LICENSE ISSUED		N/A(☒) Y(☐) N(☐)
* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.		
G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?		N/A(☒) Y(☐) N(☐)
* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.		
H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?		Y(☒) N(☐)

NOTES: _____

RECOMMENDED PRIORITY DATE:

03-22-1910

REVIEWED BY ADm

DATE

6/1/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TRP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-00029	08N	14E	3	SW	SW	NW			CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX	71-04035	71-04036
A71-00028	R71-00028		
A71-00033B	R71-00030C		
A71-00035C	R71-00031B		
A71-00036B	R71-00037B		
A71-00037C	R71-10763		
A71-04035			
A71-04036			
A71-10146			
A71-10763			

SOURCE: FISHER CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

7100029 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: FISHER CREEK

TRIB: SALMON RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N() ☒

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A() Y() N() ☒

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y() N() ☒

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N() ☒

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N() ☒

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N() ☒

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

7/27/93

NAME OF EXAMINER

ABN

AJ FIELD EXAM

(DATE OF FIELD EXAM)

7/27/93

NAME OF EXAMINER

ABN

OTHER (DESCRIBE IN NOTES BELOW)

Shred with Store

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD	FLAG	COUNTRY	DIVERSION NAME	DIVERSION NBR
08N	14E	3	SW	SW	NW						

TRIB: SALMON RIVER

6/1/98

✓ Modern hedgegate to growth of lilies.

A. ROOT WATER RIGHT NUMBERS:

A71-00029
R71-00029

A71-00029A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	14E	33	SE	NW		HUMPHREYS, FRED	A71-00029 / 24.0	71-00029 /			28.0
			SE	NW		RICHEY, MARK	A71-10196 /	-			
			SE	NW		HUMPHREYS, FRED	A71-10197 / 5.0	-			
			SE	NW		HUMPHREYS, FRED	A71-00028 / 24.0	71-00028 /			
			SE	NW		HUMPHREYS, FRED	A71-00035C / 24.0	-			
			SE	NW		HUMPHREYS, FRED	R71-00028 / 24.0	-			
			SE	NW		HUMPHREYS, FRED	R71-00029 / 24.0	-			
			SE	NW		HUMPHREYS, FRED	R71-10197 / 5.0	-			
			SE	NW		HUMPHREYS, FRED	A71-10763 / 24.0	-			
			SE	NW		DAY, ERNEST	R71-10763 / 24.0	-			
			SE	NW		HUMPHREYS, FRED	71-10196 /	-			
			NE	SW		HUMPHREYS, FRED	A71-00029 / 31.0	71-00029 /			37.0
			NE	SW		HUMPHREYS, FRED	A71-10197 / 10.0	-			
			NE	SW		HUMPHREYS, FRED	A71-00028 / 31.0	71-00028 /			
			NE	SW		RICHEY, MARK M	A71-000368 / 31.0	-			
			NE	SW		HUMPHREYS, FRED	R71-00028 / 31.0	-			
			NE	SW		HUMPHREYS, FRED	R71-00029 / 31.0	-			
			NE	SW		HUMPHREYS, FRED	R71-10197 / 10.0	-			
			NE	SW		HUMPHREYS, FRED	A71-10763 / 31.0	-			
			NE	SW		DAY, ERNEST	R71-10763 / 31.0	-			
			NE	SW							
09N	14E	33	NW	SW		HUMPHREYS, FRED	A71-00029 / 20.0	71-00029 /			22.0
			NW	SW		HUMPHREYS, FRED	A71-00028 / 40.0	71-00028 /			
			NW	SW		RICHEY, MARK M	A71-000368 / 20.0	-			
			NW	SW		HUMPHREYS, FRED	A71-000338 / 20.0	-			
			NW	SW		HUMPHREYS, FRED	R71-00028 / 40.0	-			
			NW	SW		HUMPHREYS, FRED	R71-00029 / 20.0	-			
			NW	SW		HUMPHREYS, FRED	A71-10763 / 20.0	-			
			NW	SW		HUMPHREYS, FRED	R71-10763 / 20.0	-			
			NW	SW		DAY, ERNEST					
09N	14E	33	SE	SW		HUMPHREYS, FRED	A71-00029 / 20.0	71-00029 /			22.0
			SE	SW		HUMPHREYS, FRED	A71-00028 / 40.0	71-00028 /			
			SE	SW		HUMPHREYS, FRED	A71-000338 / 5.0	-			
			SE	SW		HUMPHREYS, FRED	A71-00035C / 20.0	-			
			SE	SW		RICHEY, MARK M	A71-000368 / 40.0	-			
			SE	SW		HUMPHREYS, FRED	R71-00028 / 40.0	-			
			SE	SW		HUMPHREYS, FRED	R71-00029 / 20.0	-			
			SE	SW		HUMPHREYS, FRED	A71-10763 / 40.0	-			
			SE	SW		DAY, ERNEST	R71-10763 / 40.0	-			

See GIS of 71-00028 sheet

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	14E	33	SW	SE		HUMPHREYS, FRED	A71-00029 / 18.0	71-00029 /			29.0
			SW	SE		HUMPHREYS, FRED	A71-00028 / 18.0	71-00028 /			
			SW	SE		DAY, ERNEST	A71-07000 /	71-07000 /			
			SW	SE		RICHEY, MARK W	A71-000368 / 18.0	-			
			SW	SE		HUMPHREYS, FRED	R71-00028 / 18.0	-			
			SW	SE		HUMPHREYS, FRED	R71-00029 / 18.0	-			
			SW	SE		HUMPHREYS, FRED	A71-10763 / 18.0	-			
			SW	SE		DAY, ERNEST	R71-10763 / 18.0	-			
			SW	SE		HUMPHREYS, FRED	71-07000 /	-			

ADDITIONAL POU FOUND

200.

TOTAL ACRES	A71-00029	113.00	138.00
-------------	-----------	--------	--------

POU COUNTY: CUSTER

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y () N ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-00029	FISHER CREEK	HUMPHREYS, FRED	2.250	0.019		
R71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
A71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
R71-00029	FISHER CREEK	HUMPHREYS, FRED	2.250	0.019		
A71-00033B	FOURTH OF JULY CREEK	HUMPHREYS, FRED	0.900	0.020		
A71-00035C	FOURTH OF JULY CREEK	HUMPHREYS, FRED	3.000	0.020		
A71-00036B	FOURTH OF JULY CREEK	HUMPHREYS, FRED	2.400	0.020		
R71-10197	UNNAMED STREAM	RICHEY, MARK W	0.470	0.023		
A71-10197	UNNAMED STREAM	HUMPHREYS, FRED	0.470	0.023		
A71-10763	FISHER CREEK	HUMPHREYS, FRED	5.020	0.020		
R71-10763	FOURTH OF JULY CREEK	DAY, ERNEST	5.020	0.020		
	FISHER CREEK					
	FOURTH OF JULY CREEK					

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10196	STOCKWATER	RICHEY, MARK	FROM 01-01 TO 12-31	0.070 CFS	
71-10196	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	0.020 CFS	
A71-10197	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	0.070 CFS	
R71-10197	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	0.070 CFS	
A71-07000	DOMESTIC	DAY, ERNEST	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
71-07000	DOMESTIC	HUMPHREYS, FRED	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 71-00028 & 71-2085.

Y() N()

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

NOTES:

6/1/98

[illegible]

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-00029 IRRIGATION	FROM 04-15 TO 10-15	2.250 CFS	
TOTAL DIVERSION RATE/VOLUME		2.250 CFS	

B. MR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
71-00029 IRRIGATION	FROM TO	2.250 CFS	
TOTAL DIVERSION RATE/VOLUME		2.250 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES:

AJ CLAIM TOTAL DIVERSTON RATE: 2.250 CFS
WR ROOT RIGHT TOTAL DIVERSTON RATE: 2.250 CFS

A. IS THE CLAIMED TOTAL DIVERSTON RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

B. CAN THE CLAIMED TOTAL DIVERSTON RATE BE VERIFIED USING THE WATER RIGHT FILE?

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSTON RATE?

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSTON RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSTON RATE BE VERIFIED BY FIELD EXAM?

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSTON RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSTON VOLUME

CLAIMED DIVERSTON VOLUME = _____ AF/A

ACRES _____ x DIVERSTON VOL. AF/A FOR AREA _____ = _____

TOTAL DIVERSTON VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 225.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ = _____

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

Deed supports ownership in full
by Humphreys.

MR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
IRRIGATION	04-15 5/1	10-15 9/30	DATABASE EXAMINER 2.250	DATABASE EXAMINER	225.0 225.0
TOTAL FOR THIS RIGHT			2.250		225.0

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: AKS

DATE: 6/1/98

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

POL1 considered limit of 231.2 acres.

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

POL1 considered vfr.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
()
()
()
()

NEEDS REVIEW ()
()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00029
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.250

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A71-00029	2.250	R71-00029	2.250	71-00029	2.250
-	A71-00029A	0.320	-	-	-	-
TOTAL CFS		2.570	2.250		2.250	

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N
FIELD EXAMINER Y () N ()

NOTES:

Recommend is full to Harphurs

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

6/1/98

NAME OF FIELD EXAMINER:

TITLE:

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☒ ORTHOPHOTOQUAD	DATE OF PHOTO	IDWR ID NO.	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y() N()
☒ MAP	DATE OF PHOTO	IDWR ID NO.	Y() N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
☒ SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
☒ OTHER <i>Deed</i>	DATE		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

See file 71-00028

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-00029
36

11:37:08
05/28/98

MR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

FOR
6/1/98

Dates:	Exam Made Date:	Verified Date:	05/06/1985	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:		
		Presumption Flag:		

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
00-00 00-00	2.25 CFS	

2.25 CFS

Stage: DECREED

-
-
-
-

[illegible]

Field Exam Fee: